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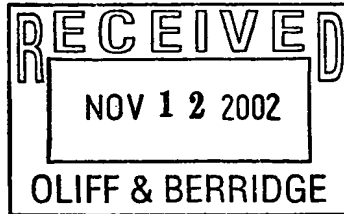
**UNITED STATES PATENT AND TRADEMARK OFFICE**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,274	01/19/2000	Kristinn R. Rzepkowski	104425	2964

7590  
Oliff & Berridge PLC  
P O Box 19928  
Alexandria, VA 22320

11/06/2002



EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER 7

2173

DATE MAILED: 11/06/2002

**FINAL REJECTION/  
NOTICE OF APPEAL**

Please find below and/or attached an Office communication concerning this application or proceeding.

**DUE DATE**

**FEB 06 2003**

**DOCKETED**  
By MPJ on 11/10 2002  
and  
By Kar on 11/12 20 02  
Oliff & Berridge

**DOCKETED**  
By MPJ on 11/12 2002  
and  
By Kar on 11/12 20 02  
Oliff & Berridge

**Office Action Summary**

Application No.

09/487,274

Applicant(s)

RZEPKOWSKI ET AL

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 September 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or **PHUYNH**

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 9/20/02 have been fully considered but they are not persuasive.

A. Applicant argues (claims 1 and 17) that "by teaching a preview scan is to be captured and displayed, Arney teaches away from the claimed preview pane portion that visually indicates at least one feature of an image that would result, without actually displaying any image. The preview display screen 10 of Arney cannot be considered analogous to the preview pane portion 480" (page 4, lines 15-18).

In response, claim 1 recites "...a graphical user interface including a preview pane portion that visually indicates at least one feature of a resulting captured image that will result upon generating a captured image from an original image using the at least one image capture parameter." Arney discloses a graphical user interface having a preview pane portion (preview display screen 10) that visually indicates at least one feature of a resulting captured image (workpiece 60) that will result upon generating a captured image from an original image using the at least one image capture parameter (fig. 2D and 2E, frame-image 14), (see col. 7, lines 54-67; col. 8, lines 1-4).

B. In response to applicant's argument (page 4, lines 20-26; page 6, lines 5-15) that patents 6,298,172 and 5,963,216 are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis

for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Arney discloses a graphical user interface having a preview image that indicates features of a resulting captured image that will result when generating it using the image capture parameters; and Chiarabini discloses a portion that is usable to define dimensions to which the captured image is to be scaled.

C. Applicant argues that “Arney cannot be considered analogous to the crop/frame marquee section control 484, as recited in claim 2...for claim 3, the frame image 14 in Fig. 2D of Arney is not analogous to the cropped portion 560 of the original image...for claim 4, the frame image 14 in Fig. 2E of Arney is not analogous to the framed portion...regarding claim 5, the frame image 14 in Fig. 2E of Arney is not analogous to the selection portion or the selection enable portion for dimensions...for the height and width dimension boxes 578 and 579...Arney fails to teach or suggest scaled dimensions...by extension, this argument also applies to claim 6, which recites that dimensions are alterable, as there is no teaching in Arney for provided dimensions...Arney does not teach that the preview pane portion 480 visually indicates scaled dimensions, as recited in claim 9...Arney cannot be regarded as analogous to the image portion mimic 488 to indicated orientation, as recited in claim 14. Arney fails to teach or suggest an image portion mimic because Arney is directed to preview scanning...” (page 4, lines 20-26; page 5, lines 1-13).

In response, Arney teaches (claims 2 and 4) a frame image 14 that indicates an area bounding the image to be transferred; the frame-image visually indicates a portion bounding the image so the user may determine whether the image is placed in a desired orientation (col. 2, lines 26-30; col. 5, lines 15-29). Arney teaches (claim 3) a frame-image 14 that visually

indicates the user the paper orientation so the user may determine whether the orientation should be changed; the display screen 10 instructs the user which edge portions will be lost when operating the apparatus (figs. 2D, 2E; col. 7, lines 34, 46, 54-66). Arney teaches (claim 5) in fig. 2D a frame-image 14 (selection portion to define dimensions) that instructs the user that the image is left aligned and vertically-centered; the user can change or adjust the parameters before operating the apparatus (col. 7, lines 60-67; col. 8, lines 1-4). Arney teaches (claim 6) an image-processing system 30 that is responsive to the control settings so that the image will adjust with changes in control panel settings; the user can see how much of the edge of an image will be lost when copied (col. 5, lines 30-46). Arney teaches (claim 9) that a frame-image 14 that visually indicates scaled dimension of the captured image; the frame-image indicates the user whether the image is left aligned and vertically-centered (col. 5, lines 30-46; col. 7, lines 60-67; col. 8, lines 1-4). Arney teaches (claim 14) a preview screen that visually indicates the orientation of an image (image orientation mimic) and permits the user to change the orientation of the original image prior to operating the apparatus (col. 5, lines 21-26; col. 7, lines 34-38; col. 9, lines 1-18; figs. 2A-2F).

D. Applicant argues (claim 7) that "Chiarabini discloses a preview of a print job prior to printing... Chiarabini teaches a special print preview implemented by the printer driver that renders the page to show the preview. The printer driver can provide a wireframe and limits scanlines to be painted... Such print preview is entirely irrelevant in the context of a scale marquee selection control, a scale-to portion and a scale-to enable portion..." (page 6, lines 1-4).

In response, Arney teaches a frame-image 14 that indicates when an image is or is not

well aligned or centered (it indicates scaled dimensions of the captured image). Chiarabini teaches a scaling options dialog box that may be used to select scaling methods; the scaling uses an integer scale factor and non-integer scale factor; the dimensions are defined in the selection portion and the defined scale-to parameter factor (col. 1, lines 49-54; col. 6, lines 50-67; col. 7, lines 18-20, 59-67; col. 8, lines 1-4, 12-27, 36-51, 59-67); the user can specify a length and a height of the print media (col. 6, lines 58-66).

E. Applicant argues (claim 15) that "Pavley discloses editing media objects in a digital imaging device, such as a digital video camera...there is no motivation to combine features related to a mode dial 202 of Pavley's digital video camera with a previewing scanner of Arney..." (page 6, lines 20-24).

In response, Pavley teaches an image capture device for capturing and displaying various types of image data. Pavley teaches in fig. 1 an imaging device 110 having a computer 112, and a user interface 114. Pavley teaches an image quality profile mimic or graphical icon that indicates the user what media type is associated with the media object displayed in the image area (col. 3, lines 56-67; col. 7, lines 38-67; col. 8, lines 1-6). Thus, it would have been obvious to include Pavley's graphical icons in Arney's preview display screen because they provide the user with visual information and graphically indicate a selection.

Therefore, the claims stand rejected as in the office action of 8/14/02, which is incorporated herein for reference.

***Drawings***

The drawing corrections have been reviewed and approved.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 9, 11, 14, 16-22, 25, 27, 30, and 32-39 are rejected under 35 U.S.C. 102(e) as being anticipated by *Arney et al* (US 6,298,172 B1).

**Claims 1 and 17:**

Arney discloses a method for performing image-acquisition with preview of image (abstract; col. 1, lines 10-14; col. 2, lines 13-34), having a display device (fig. 1B), a graphical user interface (figs. 2A-2I), and a controller that provides control parameters to the image

capture device (col. 4, lines 36-45; col. 6, lines 9-13; col. 7, lines 10-19, 54-56; col. 8, lines 14-16). A preview display screen 10 is provided so the user can determine whether the workpiece is positioned in the desired orientation, shifts upon closing the cover 56 (col. 4, lines 46-49, 57-59), for anticipating output related to the selection of control features, for example, brightness, contrast, or focus control (col. 5, lines 18-21).

Claims 2, 4, 18, and 20:

Arney teaches a frame image 14 (figs. 1B, 2A-2I) that indicates the area of the platen bounding the image to be transferred, that is, delineates area P. The image-processing system may form a frame-image for indicating the portion of the platen bounding the image to be transferred so a user may determine whether a workpiece is placed in a desired orientation before operating the apparatus (abstract; col. 2, lines 26-30; col. 5, lines 15-29).

Claims 3 and 19:

See claim 2. Arney teaches a preview display screen 10 that instructs the user that the workpiece is not properly oriented, and a frame-image 14 instructs that the paper's orientation should be changed (col. 7, lines 34-46). In figs. 2D and 2E, the platen-select area P is reduced as compared with the situation reflected by figs. 2A-2C; the frame-image 14 has been reduced to correspond to the smaller platen-select area. The display screen (figs. 2D and 2E) 10 instructs the user that edge portions 65a, 65b, 65c (fig. 2D), and edge portions 66a, 66b, 66c, and 66d (fig. 2E) (shown with cross-hatching) will not be situated within the platen-select area and will not be copied to the article 80 (col. 7, lines 54-66).



Claims 5, 21, 34, 36, and 38:

See claim 3. In fig. 2D, the frame-image 14 instructs the user that the workpiece is left aligned and vertically-centered. If these parameters do not conform to the user's expectations, the user can adjust the demagnification or edge erase functions accordingly before operating the apparatus (col. 7, lines 60-67; col. 8, lines 1-4).

Claims 6, 22, 35, 37, and 39:

See claim 5. Arney teaches that the image-processing system 30 is responsive to the control settings so that the platen-image including the boundaries of the frame-image 14 will adjust with changes in control panel settings. The user may see, for example, how progressively changing the magnification will affect the area P of the platen (and thus of the workpiece) which is imaged; how much of the edge of a workpiece will be lost when the edge removal option is chosen, etc. (col. 5, lines 30-46).

Claims 9, 11, 25, and 27:

See claim 6. Arney teaches that the image-processing system 30 forms the platen-image on the display screen 10 in real-time characteristics (col. 4, lines 61-67; col. 5, lines 1-14; col. 5, lines 55-57, 60-64).

Claims 14, 16, 30, 32, and 33:

See claim 1. Arney teaches that the preview screen allows the user to determine whether the workpiece is positioned in the desired orientation prior to operating the apparatus (col. 4, lines 46-49), and it provides an image orientation mimic to visually indicate the orientation of the captured image relative to an original image (col. 5, lines 21-26; col. 7, lines 34-38; col. 9,

lines 1-18; figs. 2A-2F).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8, 10, 12, 13, 23, 24, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Arney* in view of *Chiarabini et al* (US 5,963,216).

*Claims 7, 12, 13, 23, 28, and 29:*

Arney teaches a preview display screen and a frame-image 14 that instructs the user when a workpiece is not well aligned or centered. If the parameters do not conform to the user's expectations, the user can adjust the demagnification or edge erase functions accordingly before operating the apparatus (col. 7, lines 66-67; col. 8, lines 1-4). Arney does not teach a portion that is usable to define dimensions to which the captured image is to be scaled. However, Chiarabini discloses a method for providing a print preview of a print job. Chiarabini teaches a scaling options dialog box 220 that the user may use to select a scaling method from settings box 221 (col. 1, lines 49-54; col. 6, lines 50-67). The scaling is done by the printer driver internally or in conjunction with a graphic-device interface. The scaling uses an integer scale factor and a non-integer scale factor. Chiarabini teaches that the dimensions are determined based on the dimensions defined in the selection portion and the

defined scale-to parameter factor (col. 7, lines 18-20, 59-67; col. 8, lines 1-4, 12-27, 36-51, 59-67). Chiarabini teaches that the user may scale to a standard page size, scale to a custom paper size or scale with a designating scaling factor. When electing to scale to a custom paper size, the user can specify a length of the print media, and a height of the print media (col. 6, lines 58-66). Before accepting new scaling parameters, and if the user has selected "Fit to custom size" in box 221, printer driver 203 will check the source paper size and the destination paper sizes (col. 7, lines 6-10). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to include Chiarabini's portion for defining scale parameters in Arney's preview screen display because, it provides the user with (scale-up or scale-down) appropriate and accurate scaling.

Claims 8 and 24:

See claim 7. Arney teaches that the preview feature enables the user to view anticipated output from the apparatus before the apparatus is activated so adjustments may be made (col. 1, lines 10-14, 40-45; col. 4, lines 36-45; col. 5, lines 30-36, 55-57; col. 6, lines 9-14; col. 8, lines 1-4; col. 10, lines 19-25).

Claims 10 and 26:

See claims 7 and 9. Arney teaches that the system includes appropriate software, firmware, or hardware for processing or manipulating images, and transferring the images to the preview display screen (col. 8, lines 63-67; col. 9, 41-58).

3. **Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

*Arney in view of Pavley et al (US 6,317,141 B1).*

*Claims 15 and 31:*

Arney does not teach an image quality profile mimic however, Pavley discloses a method for editing media objects in a digital imaging device including icons that are used to indicate a media type (abstract; col. 6, lines 50-55). Pavley teaches a review mode screen having object cells 300 that represent media objects; each object cell includes an image area 304 and an icon/information 306 that displays one or more graphical icons indicating to the user what media type is associated with the media object displayed in the image area (col. 7, lines 38-67; col. 8, lines 1-6; figs. 4A, 6-8). Thus, it would have been obvious to one having ordinary skill in the art at the time of invention to include Pavley's thumbnails in Arney's preview display screen because they provide information at a glance and graphically indicate a selection.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

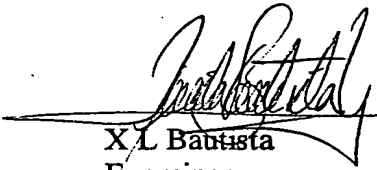
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

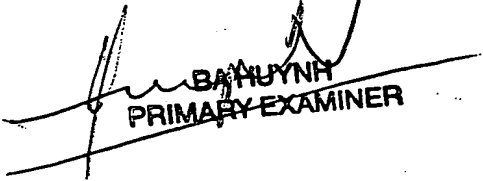
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista  
Examiner  
Art Unit 2173



BA HUYNH  
PRIMARY EXAMINER

xlh

October 30, 2002